

Presentment Date and Time: June 8, 2015, at 12:00 p.m. (prevailing Eastern Time)
Objection Deadline: June 3, 2015, at 4:00 p.m. (prevailing Eastern Time)

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Attorneys for Defendants:
JAMES B. PINTO REVOCABLE TRUST U/A
DTD 12/1/03; and JAMES B. PINTO, individually
and in his capacity as Grantor and Trustee for the
James B. Pinto Revocable Trust

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION CORPORATION,	Adv. Pro. No.08-01789 (SMB)
Plaintiff-Appellant,	
v.	SIPA LIQUIDATION
BERNARD L. MADOFF INVESTMENT SECURITIES LLC,	(Substantially Consolidated)
Defendant.	
In Re:	
BERNARD L MADOFF,	
Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,	Adv. Pro. No. 10-04538 (SMB)

Plaintiff,

v.

JAMES B. PINTO REVOCABLE TRUST U/A
DTD 12/1/03; and JAMES B. PINTO, individually
and in his capacity as Grantor and Trustee for the
James B. Pinto Revocable Trust,

Defendants.

**MOTION OF DEFENDANTS' COUNSEL ROBERT M. McCLAY AT THE LAW
FIRM OF McCLAY•ALTON, P.L.L.P. AND DEFENDANTS' COUNSEL MARVIN
C. INGBER FOR AN ORDER PURSUANT TO RULE 2090-1(e) OF THE LOCAL
BANKRUPTCY RULES TO REMOVE BRUCE S. SCHAEFFER AS COUNSEL
TO DEFENDANTS**

Pursuant to Rule 2090-1(e) of the Local Bankruptcy Rules, Robert M. McClay, McClay•Alton, P.L.L.P. and Marvin C. Ingber (“Active Counsel for Defendants”) respectfully seek to remove Bruce S. Schaeffer as counsel (“Schaeffer”) for Defendants JAMES B. PINTO REVOCABLE TRUST U/A DTD 12/1/03; and JAMES B. PINTO, individually and in his capacity as Grantor and Trustee for the James B. Pinto Revocable Trust (“Defendants”), in the above-captioned adversary proceeding and state as follows:

1. Schaeffer having appeared as attorney for the Defendants has not actively represented Defendants since March of 2012.
2. Schaeffer’s representation of Defendants was terminated by Defendants sometime on or around March 2012.
3. Schaeffer submitted his Motion to Withdraw as Attorney for Defendants on March 27, 2012 as shown on Docket item #11.
4. Active Counsel for Defendants has represented Defendants Pro Hac Vice since end of March of 2012. Thereafter, representation fees and costs in this matter have

been paid to Active Counsel for Defendants.

5. The Docket shows no subsequent order was signed granting Schaeffer's Motion to Withdraw as Attorney. Active Counsel for Defendants have no knowledge of the reason the proposed order was not signed.

6. Schaeffer has refused to sign a stipulation of Notice of Substitution of Counsel to remove himself as counsel on record in this matter.

7. Defendants have authorized this action to formally remove Schaeffer as attorney of record in this matter and to have him removed from all service lists.

8. No prejudice to the Court or the litigants will result from the granting of this motion.

9. Accordingly, Active Counsel for Defendants seek to remove Schaeffer as counsel for Defendants pursuant to Rule 2090-1(e) of the Local Bankruptcy Rules, which permits withdrawal by order of the Court for cause shown. Withdrawal is appropriate here in light of the foregoing.

WHEREFORE, Active Counsel for Defendants respectfully requests that the Court (a) enter an order substantially in the form attached hereto, granting the relief requested herein or (b) grant such other and further relief as the Court deems just and proper.

Dated: St. Paul Minnesota

April 22, 2015

By: /s/ Robert M. McClay
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Dated: Palm Springs, CA

April 22, 2015

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DTD 12/1/03; and JAMES B. PINTO,
individually and in his capacity as Grantor and
Trustee for the James B. Pinto Revocable Trust